

SEN. SARKIS (HSD) + ECON. DEV. 2-20-89 (p. 45)  
Amended + DO PASS 3-30-89 (p. 1089)

FEB 9 1989

HOUSE FILE 272

Place On Calendar

BY COMMITTEE ON ECONOMIC  
DEVELOPMENT

(SUCCESSOR TO HSB 162)

Passed House, Date 2-15-89 (p. 472) Passed Senate, Date 4-12-89 (p. 1371)

Vote: Ayes 92 Nays 1 Vote: Ayes 43 Nays 0

Approved May 22, 1989

Repassed House 4-24-89 (p. 1805)  
Ayes 92 Nays 0  
A BILL FOR

1 An Act relating to the Iowa logo program by providing for the use  
2 of a label or trademark to identify Iowa products and  
3 services, authorizing the establishment of guidelines, and  
4 providing an effective date.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 272

1 Section 1. Section 15.108, subsection 2, paragraph b, Code  
2 1989, is amended to read as follows:

3 b. Aid in the marketing and promotion and-development of  
4 manufacturing products and services in Iowa. The department  
5 may adopt, subject to the approval of the board, a label or  
6 trademark identifying quality Iowa products and services  
7 together with any other appropriate design or inscription and  
8 this label or trademark shall be registered in the office of  
9 the secretary of state.

10 (1) The department may register or file the label or  
11 trademark under the laws of the United States or any foreign  
12 country which permits registration, making the registration as  
13 an association or through an individual for the use and  
14 benefit of the department.

15 (2) The department shall establish guidelines for granting  
16 authority to use the label or trademark to persons or firms  
17 who make a satisfactory showing to the department that the  
18 products-meet product or service meets the guidelines as  
19 constituting-bona-fide,-quality-Iowa-products manufactured,  
20 processed, or originating in Iowa. The trademark or label use  
21 shall be registered with the department.

22 (3) A person shall not use the label or trademark or  
23 advertise it, or attach it on any promotional literature,  
24 manufactured article or agricultural product except-as  
25 provided-in-this-lettered-paragraph without the approval of  
26 the department.

27 (4) The department may deny permission to use the label or  
28 trademark if the department believes that the planned use  
29 would adversely affect the use of the label or trademark as a  
30 marketing tool for Iowa products or its use would be  
31 inconsistent with the marketing objectives of the department.  
32 Notwithstanding chapter 17A, the Iowa administrative procedure  
33 Act, the department may suspend permission to use the label or  
34 trademark prior to an evidentiary hearing which shall be held  
35 within a reasonable period of time following the denial.

1 Sec. 2. This Act, being deemed of immediate importance,  
2 takes effect upon enactment.

3 EXPLANATION

4 This bill establishes the use of a label or trademark  
5 identifying products and services manufactured, processed, or  
6 originating in Iowa. The bill authorizes the department to  
7 establish guidelines for use or suspension of use of the label  
8 or trademark. This bill is effective upon enactment.

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HOUSE FILE 272

S-3492

1 Amend House File 272 as passed by the House as  
2 follows:

3 1. Page 1, by striking line 4 and inserting the  
4 following: "manufacturing-in Iowa products and  
5 services. The department".

By COMMITTEE ON SMALL BUSINESS  
AND ECONOMIC DEVELOPMENT  
LEONARD BOSWELL, Chairperson

S-3492 FILED MARCH 30, 1989  
Adopted 4-12-89 (p. 1377)

SENATE AMENDMENT TO HOUSE FILE 272

H-4041

1 Amend House File 272 as passed by the House as

2 follows:

3 1. Page 1, by striking line 4 and inserting the  
4 following: "manufacturing-in Iowa products and  
5 services. The department".

RECEIVED FROM THE SENATE

H-4041 FILED APRIL 14, 1989  
House Concurred 4-24-89 (p. 1804)

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HSB 162

ECONOMIC DEVELOPMENT

*Mead*

HOUSE FILE 272

BY (PROPOSED DEPARTMENT OF  
ECONOMIC DEVELOPMENT BILL)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the Iowa logo program by providing for the use  
2 of a label or trademark to identify Iowa products and  
3 services, authorizing the establishment of guidelines, and  
4 providing an effective date.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 15.108, subsection 2, paragraph b, Code  
2 1989, is amended to read as follows:

3 b. Aid in the marketing and promotion and development of  
4 manufacturing in Iowa. The department may adopt, subject to  
5 the approval of the board, a label or trademark identifying  
6 quality Iowa products and services together with any other  
7 appropriate design or inscription and this label or trademark  
8 shall be registered in the office of the secretary of state.

9 (1) The department may register or file the label or  
10 trademark under the laws of the United States or any foreign  
11 country which permits registration, making the registration as  
12 an association or through an individual for the use and  
13 benefit of the department.

14 (2) The department shall establish guidelines for granting  
15 authority to use the label or trademark to persons or firms  
16 who make a satisfactory showing to the department that the  
17 products-meet product or service meets the guidelines as  
18 constituting-bona-fide,-quality-Iowa-products manufactured,  
19 processed, or originating in Iowa. The trademark or label use  
20 shall be registered with the department.

21 (3) A person shall not use the label or trademark or  
22 advertise it, or attach it on any promotional literature,  
23 manufactured article or agricultural product except as  
24 provided in this lettered paragraph.

25 (4) The department may deny permission to use the label or  
26 trademark if the department believes that the planned use  
27 would adversely affect the use of the label or trademark as a  
28 marketing tool for Iowa products or its use would be  
29 inconsistent with the marketing objectives of the department.  
30 Notwithstanding chapter 17A, the Iowa administrative procedure  
31 Act, the department may summarily suspend permission to use  
32 the label or trademark pending an evidentiary hearing.

33 Sec. 2. This Act, being deemed of immediate importance,  
34 takes effect upon enactment.

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EXPLANATION

1 This bill establishes the use of a label or trademark  
2 identifying products and services manufactured, processed, or  
3 originating in Iowa. The bill authorizes the department to  
4 establish guidelines for use or suspension of use of the label  
5 or trademark. This bill is effective upon enactment.

6 BACKGROUND STATEMENT  
7 SUBMITTED BY THE AGENCY

8 In January 1988, the Iowa Economic Development Board voted  
9 to temporarily discontinue the discretionary Iowa Quality Logo  
10 Program because of increasing concern for potential state  
11 liability for an injury or loss resulting from a product  
12 bearing the label and because adequate guidelines had not been  
13 established for approving its use. An ad hoc committee of  
14 Iowa manufacturers was established to review the logo program.  
15 Their recommendation was that the logo program be reinstated  
16 with emphasis on use of the logo to aid in the marketing and  
17 promotion of Iowa products and services. Based on their  
18 discussion, the IDED has adopted guidelines for the program  
19 and recommends that the General Assembly adopt clarifying  
20 language.

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HOUSE FILE 272

AN ACT

RELATING TO THE IOWA LOGO PROGRAM BY PROVIDING FOR THE USE OF A LABEL OR TRADEMARK TO IDENTIFY IOWA PRODUCTS AND SERVICES, AUTHORIZING THE ESTABLISHMENT OF GUIDELINES, AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 15.108, subsection 2, paragraph b, Code 1989, is amended to read as follows:

b. Aid in the marketing and promotion and development of manufacturing in Iowa products and services. The department may adopt, subject to the approval of the board, a label or trademark identifying quality Iowa products and services together with any other appropriate design or inscription and this label or trademark shall be registered in the office of the secretary of state.

(1) The department may register or file the label or trademark under the laws of the United States or any foreign country which permits registration, making the registration as an association or through an individual for the use and benefit of the department.

(2) The department shall establish guidelines for granting authority to use the label or trademark to persons or firms who make a satisfactory showing to the department that the products meet product or service meets the guidelines as constituting bona fide quality Iowa products manufactured, processed, or originating in Iowa. The trademark or label use shall be registered with the department.

(3) A person shall not use the label or trademark or advertise it, or attach it on any promotional literature, manufactured article or agricultural product except as provided in this lettered paragraph without the approval of the department.

(4) The department may deny permission to use the label or trademark if the department believes that the planned use would adversely affect the use of the label or trademark as a marketing tool for Iowa products or its use would be inconsistent with the marketing objectives of the department. Notwithstanding chapter 17A, the Iowa administrative procedure Act, the department may suspend permission to use the label or trademark prior to an evidentiary hearing which shall be held within a reasonable period of time following the denial.

Sec. 2. This Act, being deemed of immediate importance, takes effect upon enactment.

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DONALD D. AVENSON  
Speaker of the House

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JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 272, Seventy-third General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved *May 22*, 1989

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TERRY E. BRANSTAD  
Governor